REMARKS

Claims 1-65 were pending and stand rejected. Applicants thank the Examiner for examination of the claims pending in this application and address his comments below.

Applicants are amending claims 1, 2-3, 7-8, 12-14, 33-35, 39, 40, 44-46, and 65, canceling claims 9-11, 16 and 54, and adding claims 66 and 67 in this Amendment and Response. These changes do not introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Claim Objections

The Examiner has objected to claims 14 and 46 as missing a period. Applicants thank the Examiner for bringing this informality to their attention and have amended claims 14 and 16 accordingly, thereby obviating the objection.

Response to Rejections under 35 U.S.C. § 101

Claims 33-64 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. While not agreeing that the claims in their prior form did not constitute statutory subject matter under § 101, in the interests of advancing prosecution, Applicants have

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amended independent claims 33 and 45 to recite a "computer-readable storage medium" containing executable program code. Support for this amendment is found, for example, at paragraph 0014 of the specification. Thus, claims 33-64 recite statutory subject matter under § 101.

<h2 align="center">Response to Rejection under 35 U.S.C. §§ 103(a)</h2>

Claims 1-65 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gruen, U.S. Patent Application No. 2005/0057584, in view of Bengel ("Archiving and Indexing Chat Utterances"). This rejection is traversed.

Independent claims 1 and 65 have been amended to incorporate features of claim 11. As amended, claim 1 recites a method comprising:

> **determining a period of inactivity after which to compile an instant messenger event, the determination based at least in part on an identity of a user;**
> **responsive at least in part to expiration of the determined period of inactivity,** capturing an instant messenger event associated with the user by compiling event data associated with at least one instant messenger message; and
> indexing at least some of the event data associated with the instant messenger message.

Claim 65 recites, in part, a method comprising:

> **determining a predefined period of instant messenger inactivity after which to compile an instant messenger event;**
> monitoring the instant messenger application to determine event data associated with an instant messenger message;
> **responsive at least in part to expiration of the determined period of inactivity, compiling an instant messenger event** from at least some of the event data
> ...

Thus, both claims 1 and 65 recite determining a period of inactivity after which to compile an instant messenger event. Claim 1 determines the period of inactivity based at least in part on an identity of a user; in claim 65, the period of inactivity is predefined. Then, responsive at least in

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part to the expiration of the determined period of inactivity, the methods of claims 1 and 65 compile event data associated with an instant messenger message, and with an instant messenger event, respectively. This results, for example, in waiting for a lull in activity before performing event compilation.

Gruen discloses a calendar bar utility with a special user interface, as well as creating a conversation thread tree for email messages. (Gruen Abstract, paragraph 0048). As the Examiner correctly notes, Gruen does not disclose compiling an instant messenger event after a period of inactivity of the instant messenger application.

Nor does Bengel remedy the deficiencies of Gruen. Bengel discloses real-time archiving for instant messenger clients, in which user messages are stored and retrievable by date and time, by username, and by keywords. (Bengel pages 2-3, "Approach"). Bengel provides exceptionally little detail on how this is achieved, however, and in particular does not disclose or suggest "determining a period of inactivity after which to compile an instant messenger event, the calculation based at least in part on an identity of a user" (claim 1) or "determining a predefined period of instant messenger inactivity after which to compile an instant messenger event" (claim 65) and compiling event data responsive at least in part to the expiration of this calculated period of inactivity. On cited page 3 of Bengel, Bengel discloses that chat transcription can be performed by running an incremental indexer at a predefined interval, e.g. every two minutes, though the indexer cycles if no new chat data exists. Bengel also notes that a re-indexing process could be performed during a scheduled maintenance. However, none of this in any way suggests calculating a period of inactivity that is based at least in part on **an identity of a user** or capturing an instant message event responsive at least in part to expiration of the calculated period of inactivity. Rather, Bengel completely fails to take user identity into account

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during indexing. Similarly, the Bengel disclosure fails to suggest that **the period of inactivity is predetermined**. Rather, Bengel at best suggests that the period is of variable duration, based on whether there is new chat data available to be indexed or not, a condition that is based on user interactions and that thus cannot be predetermined, as claimed.

Thus, one of ordinary skill in the art considering the teachings of Gruen and Bengel, either alone or in combination, would not have found independent claims 1 or 65 obvious.

Independent claims 13, 33, and 45 have been amended to recite ways in which an instant messenger event is identified. More specifically, claim 13 has been amended to recite features of claim 16 (identifying the event is done "based at least in part on identifying the user interface change" associated with the instant messenger application); claim 33 has been amended to recite features of claim 19 (identifying the event is done "based at least in part on analyzing a current state of an instant messenger application"); and claim 45 has been amended to recite features of claim 22 (identifying the event is done "based at least in part on extracting text from a display area associated with the instant messenger application").

For each of the incorporated features of claims 16, 19, and 22, the Examiner properly noted that Gruen failed to disclose the features in question, and thus instead relied on Bengel. More specifically, for each of these claims, the Examiner cited Bengel page 2, right column, first and second full paragraphs. This cited portion does not, however, disclose or suggest the specific ways of identifying an instant messenger event that are claimed. Rather, the first cited paragraph merely makes the extremely general statement that Microsoft Windows programming interfaces are used to retrieve the text of the messages for storage. Such a general statement in no way discloses or suggests the particular event identification techniques that are claimed; rather, the Windows API is expansive and varied, comprising functions for such diverse

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purposes as network access, printer output, and Windows shell functionality, and thus the mere statement that it is used to obtain message text gives no guidance regarding the precise way in which it is accomplished. The second cited paragraph is irrelevant, merely mentioning that chat data is stored through the running an incremental indexer in the background.

Thus, one of ordinary skill in the art considering the teachings of Gruen and Bengel, either alone or in combination, would not have found independent claims 13, 33, or 45 obvious.

The remaining claims all depend, directly or indirectly, from one of independent claims 1, 13, 33, 45, or 65, and are thus patentably distinguishable from Gruen and Bengel for at least the same reasons discussed above with respect to their respective independent claims.

Therefore, Applicants respectfully request that the current rejections be withdrawn. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully submitted,
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